



General Assembly

Substitute Bill No. 5241

February Session, 2012

* ____HB05241JUD__041712____ *

AN ACT CONCERNING DELAYED BIRTH REGISTRATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-57 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) Any adult or the parent or legal guardian [of the person] of any
4 minor who is one year of age or older, for whose birth no certificate is
5 on file, may request a delayed registration of birth by making, under
6 oath, an affidavit, with two other persons having first hand knowledge
7 of the facts [, make, under oath, an affidavit as to the matters required
8 to be set forth in a birth certificate under the provisions of section 7-48]
9 relating to such birth in the manner and form prescribed by the
10 commissioner, and [file the same in the office of the registrar of vital
11 statistics of the town in which such birth occurred. Such registrar]
12 submitting such affidavit to the department. An adult, parent or legal
13 guardian requesting a delayed registration of birth shall also submit to
14 the department documentary evidence of the name, date and place of
15 birth of the person for whom a delayed registration of birth is
16 requested. Such documentary evidence shall be sufficient to enable the
17 department to determine that the birth did, in fact, occur on the date
18 and at the place alleged by the adult, parent or legal guardian making
19 the request. If the department determines that the evidence submitted
20 is sufficient to determine the facts of the birth, the department shall

21 [thereupon] prepare a birth certificate based upon the information
22 contained in [such affidavit and file the same with such affidavit in the
23 same manner as any other birth certificate, including filing] the
24 affidavit and other documentary evidence submitted to the
25 department. The department shall transmit a copy of such certificate
26 [with the department] to the registrar of the town where the birth
27 occurred and to the registrar of the town where the minor's mother
28 resided at the time of birth.

29 (b) If the adult, parent or legal guardian making the request for a
30 delayed registration of birth is unable to furnish an affidavit and
31 documentary evidence of the birth that is satisfactory to the [registrar
32 of such town] department, such adult, [or] parent or legal guardian
33 may apply to the court of probate for the district where such birth
34 occurred for an order requiring [such] the registrar to prepare a
35 certificate of birth of such adult or such minor, [containing the matters
36 so required to be set forth.] Such court shall, with [or without] notice
37 and hearing, [ascertain the facts as to the matters so required and]
38 review the evidence submitted to the department and may require the
39 adult, parent or legal guardian making the request to submit
40 additional evidence to such court to prove the facts of the birth. Such
41 additional evidence may include witness testimony or a sample of the
42 adult's or a parent's tissue or hair suitable for DNA (deoxyribonucleic
43 acid) analysis. The adult, parent or legal guardian requesting the
44 delayed registration of birth shall be responsible for the cost of any
45 DNA analysis required by the court, except the department shall pay
46 such cost for any such person who is found by the court to be indigent.
47 The adult, parent or legal guardian seeking such order shall have the
48 burden of proving the facts of the birth by a preponderance of the
49 evidence. The court may issue an order directing [such] the registrar of
50 the town where the birth occurred to issue [such] a delayed birth
51 certificate based upon the facts, as determined by the court from the
52 evidence presented and as set forth in such order. [After issuing any
53 such certificate, such] Upon receipt of a certified copy of any such
54 court order, the registrar shall make a record of such birth. [, including

55 in such record reference to such certificate and the affidavit or order of
 56 the court.] Birth certificates registered one year or more after the date
 57 of birth shall be marked "delayed" and indicate (1) the date of the
 58 delayed registration, (2) the name, sex, date of birth, place of birth and
 59 any other identifying information prescribed by the commissioner, as
 60 such facts of the birth have been determined based upon the evidence
 61 presented to the department or the court, as the case may be, and (3)
 62 when the facts of the birth are determined by court order, a statement
 63 that the birth is registered pursuant to court order. [The provisions of
 64 sections 7-42 and 7-73 shall apply to the acts of the registrar under this
 65 section.]

This act shall take effect as follows and shall amend the following sections:

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| Section 1 | October 1, 2012 | 7-57 |
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PH *Joint Favorable Subst.-LCO*

JUD *Joint Favorable*